

ORIGINAL**NOV 15 2010**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISIONJAMES N. HATTEN, CLERK
By: *J. White* Deputy Clerk

PATRICIA YEARBY,

)

Plaintiff,

)

vs.

)

GOLDEN LIVING CENTER OF NORTHSIDE,

)

Defendant,

)

CIVIL ACTION
FILE NO. _____**10:10-cv-3753****PETITION FOR REMOVAL**

COMES NOW Defendant Golden Living Center of Northside (improperly named and not a legal entity capable of being sued and GGNSC Atlanta, LLC proper party defendant who files by special appearance only), and hereby files this Petition for Removal, pursuant to the provisions of 28 U.S.C. §§ 1441, et seq., and shows this Court the following:

1.

The present action was commenced by the Plaintiff in the Superior Court of Fulton County. The suit is identified as Patricia Yearby v. Golden Living Center of Northside, Civil Action File No. 2010CV191908.

2.

The Complaint was the initial pleading setting forth the claim for relief upon which this action is based. (A true and correct copy of the Plaintiff's Complaint is attached hereto as Exhibit "A"). The earliest knowledge and first notice by Defendant, or its agents, of Plaintiff's Complaint was October 16, 2010.

3.

The filing of this Petition for Removal is timely in that it has been filed within thirty (30) days of the date of the Defendant first receiving notice of Plaintiff's Complaint.

4.

This action is of a civil nature. The substance of Plaintiff's Complaint is that Defendant committed negligence by deviating from the standard of care which caused an injury to her right knee. Plaintiff also alleges that Defendant failed to meet the standards under the Americans with Disabilities Acts and Georgia Accessibility Standards by failing to provide handicapped accessible bathrooms.

5.

Plaintiff alleges damages which exceed \$500,000.00.

6.

Plaintiff is a resident of the State of Georgia.

7.

Named Defendant Golden Living Center of Northside is not a legal entity capable of being sued.

8.

Proper party Defendant GGNSC, LLC who has not been named and files by special appearance only is a non-resident corporation established under the laws of the State of Delaware. GGNSC Atlanta, LLC's principal place of business is located in Fort Smith, Arkansas.

9.

There exists complete diversity among the parties who are presently before the Court.

10.

This Court has jurisdiction under 28 U.S.C. § 1332 and, therefore, this action is one which may be removed to this Court by the Petitioner/Defendant, pursuant to the provisions of 28 U.S.C. §§ 1441 and 1441(b), in that it is a civil action in which the

amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is an action between citizens of different states.

WHEREFORE, Petitioner, Golden Living Center of Northside (improperly named and not a legal entity capable of being sued and GGNSC Atlanta, LLC, proper party Defendant who files by special appearance only) and named Defendant in the action described hereinabove which is currently pending in the Superior Court of Fulton County, State of Georgia, Civil Action File No. 2010CV191908 prays that this action be removed therefrom to this Court.

Respectfully submitted this 15 day of November, 2010.

**HAWKINS PARNELL
THACKSTON & YOUNG LLP**



David C. Marshall
State Bar No. 471512
Patricia M. Peters
State Bar No. 573650

Counsel for Defendant

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

PATRICIA YEARBY,)
)
Plaintiff,)
)
vs.) CIVIL ACTION
)
GOLDEN LIVING CENTER OF NORTHSIDE,)
)
Defendant,)

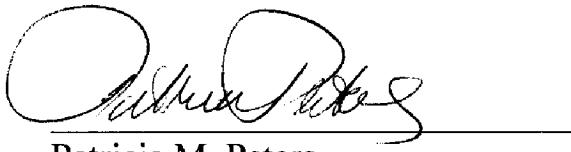
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the
within and foregoing **PETITION FOR REMOVAL** upon Plaintiff by depositing
same in the United States certified mail, return receipt requested and with
sufficient postage affixed thereon and addressed as follows:

Ms. Patricia Yearby, Pro Se
613 Summer Drive
Sandy Springs, GA 30328

This 15 day of November, 2010.

[Signatures Continued on Next Page]



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